

Service Date: December 10, 2014

DEPARTMENT OF PUBLIC SERVICE REGULATION
BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MONTANA

IN THE MATTER OF NorthWestern)	REGULATORY DIVISION
Energy's 2012-2013 Electricity Supply)	
Tracker)	DOCKET NO. D2013.5.33
)	
IN THE MATTER OF NorthWestern)	DOCKET NO. D2014.5.46
Energy's 2013-2014 Electricity Supply)	
Tracker)	

NOTICE OF COMMISSION ACTION

NorthWestern Corporation, doing business as NorthWestern Energy (NorthWestern), filed its 2012-2013 Electricity Supply Tracker on May 31, 2013. The Montana Public Service Commission (Commission) granted *Interim Order 7283* on June 18, and issued a *Notice of Application and Intervention Deadline* on June 19, 2013. NorthWestern filed its 2013-2014 Electricity Supply Tracker on May 29, 2014. *See Notice of Commn. Action*, Dkt. D2013.5.33 (May 12, 2014) (consolidating the trackers). The Commission issued a *Notice of Application and Intervention Deadline* on May 31, and granted *Interim Order 7283a* on June 17, 2014.

The Human Resource Council District XI, Montana Consumer Counsel (MCC), Montana Environmental Information Center, Natural Resources Defense Council, and Sierra Club are parties to this proceeding. *See Notice of Commn. Action*, Dkt. D2013.5.33 (Aug. 20, 2014).

On October 22, 2014, the Commission issued *Procedural Order 7283b*, establishing discovery deadlines and providing that a party may object to a data request “no later than the deadline to respond to the data request.” Or. 7283b, Dkt. D2013.5.33, ¶¶ 9-10 (“If a data request asks for trade secret information, the responding party must file a motion for a protective order . . . no later than the deadline to respond to the data request.”). The Commission has since suspended the initial deadlines established in *Procedural Order 7283b* in order to resolve various discovery disputes. *See Notice of Staff Action*, Dkt. D2013.5.33, pp. 1-2 (Nov. 17, 2014).

On October 24, 2014, the MCC served *Data Requests MCC-001 through MCC-112* on NorthWestern. On November 7, 2014, NorthWestern objected to Data Requests MCC-004, MCC-005, MCC-006, MCC-007, MCC-030, MCC-068, MCC-069, MCC-070, MCC-072, and MCC-088.

On November 21, 2014, the MCC filed a *Motion to Compel Responses to Data Requests*, seeking to compel responses to the Data Requests NorthWestern had objected to, as well as MCC-016, MCC-018, MCC-025, MCC-027, MCC-052, MCC-057, MCC-078, and MCC-087. On November 26, 2014, NorthWestern filed a *Response to the MCC's Motion to Compel*. NorthWestern filed an *Additional Response* on December 3, 2014.

On December 5, 2014, the MCC filed a *Reply in Support of Motion to Compel Responses to Data Requests*. NorthWestern filed a *Motion to Strike the MCC's Reply in Support of Motion to Compel* on December 8, 2014.

The Commission ruled on NorthWestern's objections and the MCC's *Motion to Compel* at a regularly-scheduled work session on December 9, 2014. The Commission overruled NorthWestern's objections except as to MCC-030, for which it sustained the objection and denied the *Motion to Compel*.

The Commission granted the MCC's *Motion to Compel* with respect to MCC-025, MCC-027, MCC-052, and MCC-078 and MCC-087. The Commission directed staff to set a deadline of **January 8, 2015** for the submission of any pending motions for protective orders, and granted the *Motion to Compel* responses to MCC-016, MCC-018 (denying in part with respect to privileged information), and MCC-057, effective in thirty days. With respect to MCC-052, the Commission noted that NorthWestern may choose how to format its response.

BY THE MONTANA PUBLIC SERVICE COMMISSION

W. A. (BILL) GALLAGHER, Chairman
BOB LAKE, Vice Chairman
KIRK BUSHMAN, Commissioner
TRAVIS KAVULLA, Commissioner
ROGER KOOPMAN, Commissioner